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In the

Supreme Court of the United States

OCTOBER TERM, 1967

No. 332

RUPERT WATSON
d/b/a MAINE WIDE ADJUSTERS
APPELLANT

v.

STATE OF MAINE BANK COMMISSIONER
APPELLEE

ON APPEAL FROM THE SUPREME JUDICIAL COURT OF THE STATE OF MAINE

MOTION TO DISMISS

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INDEX

	Page
MOTION TO DISMISS	1
Statement	1
Argument	4
I. This Appeal Has Not Been Taken in Conformity with the Revised Rules of This Court	4
II. There Is No Substantial Federal Question	6
A. 32 M.R.S.A. § 575, on Its Face, and as Interpreted and Applied in This Case, Does Not Violate Section 1 of the Fourteenth Amendment to the United States Constitution	6
B. 32 M.R.S.A. § 575, on Its Face, and as Interpreted and Applied in This Case, Does Not Violate the Prohibition Against ex post facto Laws Contained in Section 10, Article I of the United States Constitution	10
III. The Decision of the Supreme Judicial Court of Maine Was Correctly Decided	12
Conclusion	15

Citations

CASES:	
Calder v. Bull, 3 Dall. 386	11, 13
Cases v. United States, 131 F. 2d 916 (1st Cir. 1942)	13
Day Brite Lighting Inc. v. Missouri, 342 U. S. 421	10
DeVeau v. Braisted, 363 U. S. 144	6, 9, 10, 11, 12, 14, 15

Flemming v. Nestor, 363 U. S. 603 11
Fergeson v. Skrupra, 372 U. S. 726 10
Hankins v. Spaulding,
78 Idaho 533, 307 P. 2d 222 (1957) 11
Hawker v. New York,
170 U. S. 189 ..... 9, 11, 12, 14, 15
Head v. New Mexico Board, 374 U. S. 424 5
In Re Stanley, 133 Me. 91, 174 A. 93 (1934) 13
Myers v. Mathews,
270 Wis. 453, 71 N.W. 2d 368 (1955) 11
Orr v. Gilman, 183 U. S. 278 11
Pittsburg Towing Co. v. Mississippi Valley Barge Line Co., et al., 385 U. S. 32 5
Schware v. Board of Bar Examiners, 353 U. S. 232 8
Stanley v. Public Utilities Commission,
294 U. S. 76 13
Williams v. Lee Optical Co., 348 U. S. 483 10
Zucht v. King, 260 U. S. 174 12

STATUTES:

32 M.R.S.A. § 575 7
New York Laws, 1953, cc. 882, 883, § 8 7

MISCELLANEOUS:

Task Force: Corrections 91 (1965) 8

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APPELLANT

v.

STATE OF MAINE BANK COMMISSIONER

APPELLEE

ON APPEAL FROM THE SUPREME JUDICIAL COURT OF THE STATE OF MAINE

MOTION TO DISMISS

Appellee in the above-entitled case moves to dismiss the appeal on the grounds that the appeal from the decision below is not taken in conformity with the Revised Rules of the Supreme Court of the United States, that no substantial Federal question is presented, and that the decision below is clearly correct.

STATEMENT

The 102nd State of Maine Legislature (1965) passed "An Act regulating collection agencies" (Chapter 430, Public Laws of 1965) effective January 1, 1966, which is now 32 M.R.S.A. §§ 571-583 (1966 pocket parts) inclusive.

The appellant from September of 1948 to January, 1960 owned and operated a collection agency. In January, 1960, he was found guilty of embezzlement and served a sentence in the Maine State Prison from which he was released in February 1963.

Pursuant to provisions of the reference Act, the appellant applied for a license as a collection agency, filed a required financial statement and a cash deposit in lieu of a surety bond with the State of Maine Banking Commissioner, the appellee here.

Section 575 of the reference Act requires the State of Maine Banking Commissioner to refuse to grant a license to an applicant who has been convicted in a Federal or State Court of any of certain enumerated crimes, including the crime of embezzlement. *Infra*, p. 7.

The State of Maine Banking Commissioner following the dictates of 32 M.R.S.A. § 575 refused to grant a collection agency license to the appellant. The cash deposit was returned to the appellant.

The appellant petitioned for a declaratory judgment as to the validity of the reference Act and sought injunctive relief against its enforcement. The case was reported to the Supreme Judicial Court of the State of Maine.

The case on report was limited to four issues of whether or not section 575 of the reference Act was in violation of provisions of the United States and State of Maine Constitutions. The State of Maine Banking Commissioner's refusal to grant a collection agency license to the appellant was questioned on grounds that the refusal to grant was (1) the application of *ex post facto* law, (2) the application of a law retrospectively which impaired the obligation of contracts, (3) deprivation of property without due process of law, and (4) the application of a law that was discriminatory, arbitrary, and denies the appellant equal protection of the law.

The Supreme Judicial Court of Maine in a unanimous decision and opinion rendered on October 27, 1966, entered on October 28, 1966, and reported in Me., 223 A. 2d 834 (1966) negated all the appellant's constitutional contentions, held the statute valid, and denied injunctive relief.

The Notice of Appeal to this Court (Motion to Dismiss, Appendix A, p. 17) dated January 26, 1967, presents two questions as follows:

a. "Whether 32 M.R.S.A. § 575, on its face, and as interpreted and applied in this case, violates Amendment XIV, Section 1 of the United States Constitution, in that it effects a deprivation of a liberty and property without due process of law.

b. "Whether the foregoing Statute, on its face, and as interpreted and applied in this case, is an unconstitutional deprivation of liberty and property, without due process of law, in that it establishes a permanent life-long bar to Appellant's pursuit of a lawful occupation, solely because of a prior criminal conviction, and fails to provide any opportunity to attempt to prove rehabilitation and fitness."

Appellant, pursuant to the provisions of Rule 13 (1) of this Court, was granted (by Chief Justice Robert B. Williamson of the Supreme Judicial Court of Maine) an extension on March 28, 1967 until May 12, 1967 for filing his jurisdictional statement with this Court. (Motion to Dismiss, Appendix B, p. 19)

On May 11, 1967, a further extension of 45 days for filing his jurisdictional statement was granted by Chief Justice Williamson. (Motion to Dismiss, Appendix C, p. 21).

The case was docketed with this Court on July 3, 1967.

The Jurisdictional Statement poses three questions, two of which relate to Section 1 of the Fourteenth Amendment to the United States Constitution, the

third question relates to Article I, § 10 of the United States Constitution and is an *ex post facto* issue. (Jurisdictional Statement, pp. 3, 4)

Argument

I

This Appeal Has Not Been Taken in Conformity with the Revised Rules of this Court.

Appellant on March 28, 1967 was granted an extension until May 12, 1967 for the filing of a jurisdictional statement with this Court by order of Robert B. Williamson, Chief Justice of the Supreme Judicial Court of Maine. (Motion to Dismiss, Appendix B, p. 19)

On May 11, 1967, an additional extension of 45 days for the filing of the jurisdictional statement was granted by Chief Justice Williamson (Motion to Dismiss, Appendix C, p. 21) Hence the last day for filing was June 26, 1967 provided there was no further granting of an additional extension for filing.

The enlargements of time for filing the jurisdictional statement with this Court were properly granted under the provisions of Rule 13 (1) of the Revised Rules of this Court which permits a Judge of the Court in which the notice of appeal is filed in his discretion to enlarge the time for docketing the case. Appellee did not oppose the granting of the two extensions. No further enlargements of time for docketing this case have been granted.

As a result of the two extensions properly taken, appellant had a five-month period from January 26, 1967, the date of the filing of the notice of his appeal with the Supreme Judicial Court of Maine, until June 26, 1967 to docket the case and file a record with the Clerk of this Court. This case was not docketed until July 3, 1967. The docketing was untimely. An untimely docketing of an appeal beyond the time fixed by Rule 13 (1) of this Court is sufficient reason for dismissal

of an appeal. *Pittsburg Towing Co. v. Mississippi Valley Barge Line Co., et al.*, 385 U. S. 32 (November 7, 1966), BLACK, J. dissenting.

Rule 16 (1) (a) of this Court provides in part:

"1. * * *

"(a) The court will receive a motion to dismiss any appeal on the ground that the appeal is not within the jurisdiction of this court because not taken in conformity to statute or to these rules."

Although the appellant in his jurisdictional statement (Jurisdictional Statement, p. 23) contends that 32 M.R.S.A. § 575, on its face, and as interpreted and applied in this case, violates the prohibition against *ex post facto* laws contained in section 10 of Article I of the United States Constitution, this contention was not reserved in the questions posed in the notice of appeal or fairly comprised therein. (Motion to Dismiss, Appendix A, p. 17)

Rule 10 (2) (c) of the Revised Rules of this Court provides in part:

"(c) . . . The statement of a question will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the notice of appeal or fairly comprised therein will be considered by the Court. . . . A failure to comply with these requirements will be a sufficient reason for dismissing the appeal."

This Court has applied Rule 10 (2) (c) of this Court in disposing of an issue not set forth in the notice of appeal. *Head v. New Mexico Board*, 374 U. S. 424, 433, n. 12. In *Head v. New Mexico Board*, the argument was not made to the State Court nor was it reserved in the notice of appeal to this Court. In the case at bar, the *ex post facto* issue was considered and decided by the Supreme Judicial Court of Maine, but it was not reserved in the notice of appeal to this Court. (Motion

to Dismiss, Appendix A, p. 17) It is submitted that argument below does not erode the force of Rule 10 (2) (c) which requires that "only the questions set forth in the notice of appeal or fairly comprised therein will be considered by the Court."

II

There Is No Substantial Federal Question.

A. 32 M.R.S.A. § 575, ON ITS FACE, AND AS INTERPRETED AND APPLIED IN THIS CASE, DOES NOT VIOLATE SECTION I OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

The 1960 case of *DeVeau v. Braisted*, 363 U. S. 144, Mr. Justice Frankfurter writing the opinion for the Court (Warren, C. J., Douglas, J. and Black, J. dissenting on other grounds), held that section 8 of the New York Waterfront Commission Act of 1963, disqualifying from holding office in any waterfront labor organization any person who has been convicted of a felony, and had not subsequently been pardoned or had his disability removed by a certificate of good conduct from the Board of Parole, does not violate the due process clause of the Fourteenth Amendment. 363 at 144. The appellant had been convicted of the crime of grand larceny in 1920, 33 years prior to the passing of the New York Waterfront Commission Act of 1963, and 36 years prior to the prosecution of the action against him under said statute. That statute provides in pertinent part:

"No person shall solicit, collect, or receive any dues, assessments, levies, fines, or contributions within the state from employees registered or licensed pursuant to the provisions of this act [pier superintendents, supervising agents, longshoremen and port watchmen] for or on behalf

> of any labor organization representing any such employees, if any officer or agent or such organization has been convicted by a court of the United States or any state or territory thereof, of *a felony* unless he has been subsequently pardoned therefor by the Governor or other authority of the state jurisdiction in which such conviction was had or has received a certificate of good conduct from the Board of Parole pursuant to the provisions of the executive law to remove the disability. New York Waterfront Commission Act of 1953, New York Laws 1953, cc. 882, 883, § 8. (Emphasis supplied)" 363 U. S. at 145.

This statute was upheld as not violating the due process clause of the Fourteenth Amendment on its face or as applied to appellant.

It is noteworthy that the Maine statute, 32 M.R.S.A. § 575, is more succinct, and imposes a much less onerous burden on the license applicants than the New York statute approved by this Court in *DeVeau*.

> "No license shall be granted to any applicant if an individual or to any partnership or corporate applicant if such applicant or any partner of a partnership applicant or officer or director of a corporate applicant, or employee of the foregoing, has been convicted in any state or federal court of the crime of forgery, fraud, obtaining money under false pretenses, embezzlement, extortion, larceny, burglary, breaking and entering, robbery, criminal conspiracy to defraud, or bribery, of which the record of conviction or a copy certified by the clerk or judge of the court shall be conclusive evidence. No license shall be granted to any lawyer whose license to practice law has been suspended or revoked, during the effective period of such suspension or revocation." *32 M.R.S.A. § 575.*

The Maine statute enumerates specific crimes which will disqualify an applicant for a license.[1] Other offenses will not affect one in his business pursuits. Moreover, it is clear that the crimes enumerated in the Maine statute are those which would cast serious doubt on the trustworthiness of one who is involved in the handling of money in a collection business. It cannot seriously be argued that one mishandling money to the extent of a conviction for embezzlement should continue in that pursuit.[2] A man with such propensities as evidenced by his conviction should simply not be involved in a business whose inherent nature is the collection and responsible care of money.[3] Indeed, this is the obvious intent of the Legislature in framing 32 M.R.S.A. § 575. Certainly, the appellant in this case is presently

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[1] The provisions of 32 M.R.S.A. § 575 are in accord with the general recommendations of the Task Force on Corrections of the President's Committee on Law Enforcement and Administration of Justice in regard to licenses for occupations.

> "The legislature might specify particular convictions as grounds for disqualification, leaving it to a court or agency to determine the merit of each case." *Task Force Report*: Corrections 91 (1965).

[2] The only difference in the Maine Law is that the Legislature has found that certain crimes because of their nature automatically disqualify one from carrying on certain businesses. Accordingly, in the case at bar, embezzlement's relationship to an agency designed for the collection of money is obvious.

[3] As is aptly suggested by appellant on page 18 of the Jurisdictional Statement, under the authority of *Schware v. Board of Bar Examiners*, 353 U. S. 232, 243, before disqualifying an applicant from an occupation on the ground of a prior offense, "the nature of the offense which he has committed must be taken into account." The case at bar presents a classic example of a crime peculiarly related to a [illegible] profession, i.e., embezzlement in a money-handling occupation.

> [illegible] convictions should be considered relevant to [illegible] participate in activities posing particular dangers to society." *Task Force Report*: Corrections 91 (1965).

unable to pursue his occupation, but only after he has clearly shown that he was not lawfully pursuing that occupation. See *Hawker v. New York*, 170 U. S. 189.

Furthermore, the case at bar presents a stronger case than *DeVeau* on its facts. The appellant, DeVeau, was barred from continuing in his labor organization position 36 years after his conviction of grand larceny. In the case at bar, the appellant was convicted in January, 1960 for embezzlement of funds, released from prison in February, 1963 and was denied his license to operate a collection agency in March, 1966 (the act regulating collection agencies was not passed until 1965; effective January 1, 1966, c. 430, P. L. 1965, which is now Chapter 10, 32 M.R.S.A. §§ 571 - 583 inclusive [1966 pocket part]). In short, only six years had elapsed between the conviction and the exclusion of the appellant from his chosen occupation. The appellant has only been returned to society for a relatively short time when compared to the 36 years in *DeVeau*. No penologist would seriously assert that rehabilitation is completed on release from prison. Often it is never achieved. This Court was satisfied that despite the 36-year interval between conviction and broad statutory exclusion of DeVeau, the New York law itself, and as applied to DeVeau was "a responsible means for achieving a legitimate state aim, namely, eliminating corruption on the waterfront" (363 U. S. 157); thus the case at bar with only a 6-year interval between conviction and exclusion is even more meritorious, and the Maine Statute is a "legitimate state aim" to eliminate corruption in collection agencies. The Maine Statute, therefore, cannot be repugnant to the due process clause of the Fourteenth Amendment to the United States Constitution, on its face, or as applied to the appellant in the case at bar. This is precisely what the Maine Supreme Court has decided. (Jurisdictional Statement, Appendix A, p. 33 *et seq.*)

Any effort to distinguish *DeVeau* from the case at bar on the ground that in *DeVeau* the Court talked of wide-spread waterfront corruption, and in the case at

bar no such extensive problem exists, is without merit. No authority or logic has been or can be presented which would require that a State legislature must wait until a potentially dangerous situation breaks out into corruption before it can act. See *Fergeson v. Skrupra*, 372 U. S. 726. 32 M.R.S.A. § 575 is preventive legislation designed to regulate a profession in order to avoid development of significant criminal activity in the future. One does not wait until gangrene develops before taking corrective medical action.

No arguments have been advanced that the Maine statute in question is not rational, or that it does not reasonably achieve a legitimate state aim. *Williams v. Lee Optical Co.*, 348 U. S. 483. Suggestions that there may be other ways of effecting the legislative purpose in this area are nebulous at best. Similarly, the wisdom of the Maine Legislation is not a subject for judicial review. *Williams v. Lee Optical Co.*, 348 U. S. 483; *Day Brite Lighting Inc. v. Missouri*, 342 U. S. 421.

Given the restrictive and guarded wording of 32 M.R.S.A. § 575 in its specific enumeration of only certain crimes disqualifying one from obtaining a collection agency license, together with the reasonable application of this law to the appellant, in light of the crime of embezzlement as it relates to a business of money collections and the proximity of time between conviction and denial of application to reenter the collection business, this Court is urged to follow its own recent decision postulated in *DeVeau v. Braisted*. Indeed the case at bar presents a stronger case than *DeVeau* for upholding the Maine statute and its present application. Since *DeVeau* is controlling, and was properly relied upon by the Maine Supreme Court (Jurisdictional Statement, Appendix A, p. 37), there is no substantial Federal question presented by this appeal; this Court is therefore without jurisdiction.

B. 32 M.R.S.A. § 575, ON ITS FACE, AND AS INTERPRETED AND APPLIED IN THIS CASE, DOES NOT VIOLATE THE PROHIBITION

AGAINST *EX POST FACTO* LAWS CONTAINED IN SECTION 10, ARTICLE I OF THE UNITED STATES CONSTITUTION.

Appellant must show that 32 M.R.S.A. § 575 relates to crimes and their punishments in order to establish a substantial Federal question on the *ex post facto* issue. The expression "*ex post facto*" relates solely to crimes and their punishments and has no application to civil matters. *Calder v. Bull*, 3 Dall. 386, 1 L. Ed. 648; *Orr v. Gilman*, 183 U. S. 278, 285.

> "The question in each case where unpleasant consequences are brought to bear upon an individual for prior conduct, is whether the legislative aim was to punish that individual for past activity, or whether the restriction of the individual comes about as a relevant incident to a regulation of a present situation, such as the proper qualifications for a profession. See *Hawker v. New York*, 170 U. S. 189." *DeVeau v. Braisted*, 363 U. S. 144, 160; see also *Flemming v. Nestor*, 363 U. S. 603, 614.

The purpose of the Maine Collection Agency Act was not to impose an additional penalty for past conduct, but rather to regulate conduct which the legislature has power to regulate within the scope of its police power. *Hankins v. Spaulding*, 78 Idaho 533, 307 P. 2d 222 (1957); *Myers v. Mathews*, 270 Wis. 453, 71 N.W. 2d 368 (1955). The Maine Legislature has sought by the passage of 32 M.R.S.A. § 575 to protect the public from those who by their past conduct have demonstrated their unfitness to be trusted with the property of others. The restrictions placed upon appellant by 32 M.R.S.A. § 575 come about as a relevant incident to a regulation of a present situation.

It is submitted that the rationale of the decisions of this Court in *DeVeau v. Braisted*, supra; *Flemming v. Nestor*, supra; *Hawker v. People of New York*, supra; *Calder v. Bull*, supra; *Orr v. Gilman*, supra, have clearly settled the *ex post facto* issue presented by this appeal.

lant, and hence the *ex post facto* issue does not present a substantial Federal question. *Zucht v. King*, 260 U. S. 174.

III

The Decision of the Supreme Judicial Court of Maine Was Correctly Decided.

Although not incorporated in the Notice of Appeal, appellant did raise in the Maine Court the question whether or not the action of the State of Maine Banking Commissioner in refusing to grant the license to the appellant was the application of an *ex post facto* law in violation of Section 10, Article I of the United States Constitution.

The Maine Court properly decided that the following rationale of a majority of the Court in *Hawker v. People of New York*, 170 U. S. 189, 200 was applicable in this case:

> "The thought which runs through these cases and others of similar import which might be cited is that such legislation is not to be regarded as a mere imposition of addition penalty, but as prescribing the qualifications for the duties to be discharged and the position to be filled, and naming what is deemed to be, and what is in fact, appropriate evidence of such qualifications." (Jurisdictional Statement, Appendix A, p. 32.)

The appellant did not convince the Court below that the purpose of 32 M.R.S.A. § 575 as applied to him was the mere imposition of additional penalty nor could appellant do so.

Justice Frankfurter, speaking for a plurality of the Court in *Dorsey v. Stuyvesant*, 299 U. S. 444, stated:

> "Barring convicted felons from certain employments is a familiar legislative device to insure honesty and good faith in specific vital areas." Id. at

The United States Circuit Court of Appeals for the First Circuit has applied the following test in dealing with regulatory legislation claiming to have an *ex post facto* application:

> "... If the statute is a bona fide regulation of conduct, which the legislature has power to regulate, it is not bad as an *ex post facto* law even though the right to engage in the conduct is made to depend upon past behavior even behavior before the passage of a regulatory act." *Cases v. United States*, 131 F. 2d 916 (1st Cir. 1942).

The Court below, in concluding that there was no constitutional prohibition, cited *In Re John Stanley*, 133 Me. 93, 174 A. 91 (1934) affirmed in *Stanley v. Public Utilities Commission*, 294 U. S. 76 for the criteria of an *ex post facto* law constitutionally prohibited:

> "Such '(a) law is *ex post facto* (after the deed or fact) when (1) it makes a criminal offense of what was innocent when done; or (2) it aggravates a crime, making it greater than it was when committed; or (3) it inflicts a punishment more severe than was prescribed at the time the crime was perpetrated; or (4) it alters the rules of evidence to the injury of the accused; or (5) it, in effect if not in purpose, deprives him of some protection to which he has become entitled. The expression relates solely to crimes and their punishment, and has no application to civil matters.' *In Re John M. Stanley*, 133 Me. 91, 93, 174 A. 98, affirmed in *Stanley v. Public Utilities Commission*, 295 U. S. 76, 55 S. Ct. 628, 79 L. Ed. 1311. (citations omitted)." (Jurisdictional Statement, Appendix A, p. 31) See also *Calder v. Bull*, 3 Dall. 386.

It is submitted that the Supreme Judicial Court of Maine was eminently correct in rejecting the appellant's contention that 32 M.R.S.A. § 535 [illegible] and as applied to appellant was not an *ex post facto* law in violation of Article I, Section 10 of the [illegible]

States Constitution, to find otherwise would be in clear contradiction to judicial precedent.

Furthermore, the Maine Court went to great length to consider the due process argument raised by the appellant, namely that 32 M.R.S.A. § 575 provides for unfair disqualification of persons who have been convicted of certain crimes. The fact that the Maine statute does not provide any mechanism for a hearing was decided by the Maine Court to be of no constitutional consequence. The Court in deciding this point cited numerous State and Federal authorities set out at pages 34 and 35 of Appendix A of the Jurisdictional Statement. Moreover, the Court found *Hawker v. New York*, 170 U. S. 189, where no hearing was provided by statute, and more recently *DeVeau v. Braisted*, 363 U. S. 144, where a hearing provision was similarly excluded from the statute, to be definitive authority that the absence of the hearing provision in licensing laws did not violate the due process clause of the Fourteenth Amendment of the United States Constitution. (Jurisdictional Statement, Appendix A, pp. 36, 37.)

The Court further pointed to the need for and policy behind the present Maine regulatory statute. It suggested that the free-wheeling nature of collection agencies

> "... may, and not infrequently does, open the way for the agency to indulge in collection practices in accounting procedures which in the public interest and welfare, including both the credit and debit communities, establish need for, and propriety of, regulation. The Legislature was competent to declare the activity as one affecting the public welfare." (Jurisdictional Statement, Appendix A, p. 29)

Little more need be said than that the Supreme Judicial Court of Maine looked to the reasons behind 32 M.R.S.A. § 575 and found them to be compelling, and the law in question thereby to be a valid exercise of legislative power. The Maine Court properly looked to

this Court for guidance as to whether regulatory legislation of this nature is unfair to the appellant so as to violate his rights under section 1 of the Fourteenth Amendment to the United States Constitution. It concluded, particularly under *Hasselar* and *DeVeau*, that this Court found no constitutional violations in similar situations. For these reasons, the decision of the Supreme Judicial Court of Maine in this case must be viewed as clearly correct.

Conclusion

We respectfully submit, therefore, that this appeal has not been taken in conformity with the Revised Rules of this Court, that no substantial Federal question is presented, and that the decision below is clearly correct and pray the appeal be dismissed.

JAMES S. ERWIN
Attorney General

/s/ George C. West
GEORGE C. WEST
Deputy Attorney General

JEROME S. MATUS
Assistant Attorney General

Appendix A

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. 281
Lower Docket 945

RUPERT WATSON, d/b/a MAINE-WIDE ADJUSTERS,

PLAINTIFF-APPELLANT

vs.

STATE OF MAINE COMMISSIONER OF BANKING,

DEFENDANT-APPELLEE

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

1. Notice is hereby given that Rupert Watson, d/b/a Maine-Wide Adjusters, the Plaintiff-Appellant above-named, hereby appeals to the Supreme Court of the United States from the final Judgment of the Supreme Judicial Court of the State of Maine (which affirmed the Judgment for Defendant by the Superior Court of Penobscot County) entered herein on October 28, 1966.

   This Appeal is taken pursuant to 28 U. S. C. § 1257 (2).

2. The Clerk will please prepare a transcript of the Record in this cause for transmission to the Clerk of the Supreme Court of the United States and include in such transcript the following:

   a. The Certificate of Decision (Opinion and Judgment) of this Court as entered July 28, 1966.

   b. The Record as filed in the Supreme Judicial Court of the State of Maine and in the Superior Court of Penobscot County.

   c. This Notice of Appeal.

3. The following questions are presented by this Appeal:

   a. Whether 32 M.R.S.A. § 575, on its face, and as interpreted and applied in this case, violates Amendment XIV, Section 1 of the United States Constitution, in that it effects a deprivation of a liberty and property without due process of law.

   b. Whether the foregoing Statute, on its face, and as interpreted and applied in this case, is an unconstitutional deprivation of liberty and property, without due process of law, in that it establishes a permanent lifelong bar to Appellant's pursuit of a lawful occupation, solely because of a prior criminal conviction, and fails to provide any opportunity to attempt to prove rehabilitation and fitness.

Dated: January 26, 1967

Malcolm S. Stevenson /s/
MALCOLM S. STEVENSON
31 Central Street
Bangor, Maine

Marvin M. Karpatkin /s/
MARVIN M. KARPATKIN

Eleanor Holmes Norton /s/
ELEANOR HOLMES NORTON
c/o American Civil Liberties Union
156 Fifth Avenue
New York, N. Y. 10010

Joseph T. Walsh, Jr. /s/
JOSEPH T. WALSH, JR.
6 State Street
Bangor, Maine

Proof of Service

I, Eona P. Morton, a Stenographer employed by Malcolm S. Stevenson, Esq. one of the Attorneys for the

Appellant, herein, depose and say that on the 26th day of January 1967 I served a copy of the foregoing Notice of Appeal to the Supreme Court of the United States on the Attorney for the Appellee herein by mailing a a copy thereof in a duly addressed envelope, postage prepaid, to Honorable Jerome S. Matus, Assistant Attorney General, at his office, State House, Augusta, Maine.

Eona P. Morton /s/

Subscribed and sworn to:

Joseph T. Walsh, Jr. /s/
Justice of the Peace

Appendix B

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. 281
Law Docket 945

RUPERT WATSON, d/b/a
MAINE-WIDE ADJUSTERS,

PLAINTIFF-APPELLANT

vs.

STATE OF MAINE
COMMISSIONER
OF BANKING;

DEFENDANT-APPELLEE

Order

IT IS HEREBY ORDERED that the Motion Dated March 24, 1967 requesting on behalf of Plaintiff-Appellant an Extension of Time to File a Jurisdictional Statement with the United States Supreme Court in the Appeal now in progress is hereby granted, said extension to terminate on May 12, 1967.

Dated: March 28, 1967

Robert B. Williamson

ROBERT B. WILLIAMSON /s/
Chief Justice Robert B. Williamson
Maine Supreme Judicial Court
Augusta, Maine

Appendix C

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. 281
Lower Docket 945

RUPERT WATSON, d/b/a MAINE-WIDE ADJUSTERS, PLAINTIFF-APPELLANT *vs.* STATE OF MAINE COMMISSIONER OF BANKING, DEFENDANT-APPELLEE	MOTION FOR EXTENSION OF TIME TO FILE JURISDICTIONAL STATEMENT WITH THE UNITED STATES SUPREME COURT

In accordance with the United States Supreme Court Rules of Practice and procedure, Rule 13 (1), NOW COMES Plaintiff-Appellant Rupert Watson, d/b/a Maine-Wide Adjusters, through his Attorney, Malcolm S. Stevenson, Esq., 31 Central Street, Bangor, Maine, for Messrs. Joseph T. Walsh, Esq., 6 State Street, Bangor, Maine, Marvin M. Karpatkin, Esq. and Eleanor Holmes Norton, American Civil Liberties Union, 156 Fifth Street, New York, N. Y., and respectfully requests this Honorable Justice to grant an Extension of Time to said Plaintiff-Appellant, through his Attorneys, to file a Jurisdictional Statement with the United States Supreme Court, the good and sufficient cause for such Motion and Request being the complexity of the issues involved, and the inability of said Attorneys, due to circumstances beyond their control, to file the necessary Statement within the allotted time, and Plaintiff-Appellant, through its Attorneys, further moves that the period of Extension in order to file said Jurisdictional Statement shall be no longer than forty-

five (45) days from date of Order signed by the Honorable Justice.

Dated: May 5, 1967

Malcolm S. Stevenson /s/
MALCOLM S. STEVENSON, ESQ.,
An Attorney for Plaintiff-Appellant
31 Central Street
Bangor, Maine

Proof of Service

I, Malcolm S. Stevenson, Esquire, Attorney for Plaintiff-Appellant, herein depose and say that on the 5th day of May, 1967, I served a copy of the foregoing Motion for Extension of Time to File Jurisdictional Statement on the Attorney for the Defendant-Appellee herein by mailing a copy thereof in a duly addressed envelope, postage prepaid, to Jerome S. Matus, Esquire, Assistant Attorney General, at his office, State House, Augusta, Maine.

Malcolm S. Stevenson /s/
MALCOLM S. STEVENSON, ESQUIRE

Subscribed and sworn to:

Eona P. Morton /s/
Justice of the Peace

On the above Motion, ORDERED: That the period of extension in order to file said Jurisdictional Statement is extended for forty-five (45) days from this date.

Dated: May 11, 1967.

Robert B. Williamson /s/
ROBERT B. WILLIAMSON
Chief Justice,
Supreme Judicial Court